

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MICHAEL MORRIS,

Plaintiff,

v.

WISCONSIN DEPARTMENT OF
CORRECTIONS, et al.

Defendants.

ORDER

Case No. 15-cv-564-wmc

On July 31, 2018, the court dismissed plaintiff Michael Morris's claims in this lawsuit without prejudice for his failure to exhaust his administrative remedies, and judgment was entered on August 1, 2018. (Dkt. ##98, 99.) Morris filed a notice of appeal on August 7, 2018 (dkt. #100), and a motion to alter or amend the judgment on August 10, 2018 (dkt. #104). On August 20, 2018, Morris filed a motion for leave to proceed *in forma pauperis* on appeal (dkt. #115), and on September 18, 2018, he filed a motion to correct the record related to his notice of appeal (dkt. #119). However, most recently, on December 21, 2018, Morris filed a motion for dismissal (dkt. #121), in which he asks the court not to resolve his motion to alter or amend and represents that he has decided not to appeal the court's judgment in this case. While not explicit in his motion, the court infers that Morris wishes to withdraw his motion to proceed *in forma pauperis* on appeal as well. Accordingly, the court will grant Morris's motion for dismissal and deny his other remaining motions in this court as moot.

One final note. Morris should be aware that he still owes a filing fee in his pending appeal, *Morris v. Duoma*, Case No. 18-2690 (7th Cir. filed Sept. 11, 2018). This court

cannot dismiss his appeal. The court is forwarding Morris's motion for dismissal and this order to the court of appeals, but he also should file a motion for voluntary dismissal with the court of appeals pursuant to Federal Rule of Appellate Procedure 42(b), which the court may grant "on terms agreed by the parties or fixed by the court."

ORDER

IT IS ORDERED THAT:

1. Plaintiff Michael Morris' motion for dismissal (dkt. #119) is GRANTED.
2. Plaintiff's motions to alter or amend judgment, motion for leave to proceed *in forma pauperis* on appeal and motion to correct the record (dkt. ##104,115, 119) are DENIED as moot.
3. The clerk of court is directed to forward this order to the Court of Appeals for the Seventh Circuit.

Entered this 12th day of March, 2019.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge